S.B.CRIMINAL MISC. BAIL APPLICATION NO.3396/2006

Date : 07.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. M.K. Garg)
Mr. Anil Joshi) for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the applicant may be given benefit of anticipatory bail as injuries on person of injured are simple in nature. He submits that other co-accused have already been enlarged on bail under Section 439 Cr.P.C.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and perused the material available on record. It

appears from perusal of the impugned order that the applicant with others having deadly arms caused 7 injuries in number on the person of the injured and other co-accused have been granted bail under Section 439 Cr.P.C.

Taking into consideration the overall facts and circumstances of the present case, I do not find it to be a fit case to extend benefit of anitcipatory bail to the applicant. Accordingly, the bail application moved under by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.